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REMARKS

Claims 1-31 are pending in this application. Claims 1-31 stand rejected.

Claims Rejections under 35 U.S.C. § 103(a)

Claims 1-3, 6, 18, 19-23, 24, 26, 27-29, 30, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,937,861 to Vanghi (hereinafter "Vanghi") in view of U.S. Patent 6,993,010 to Peshkin (hereinafter "Peshkin"). Applicants respectfully disagree for the reasons and explanations set forth below.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submit that a *prima facie* case of obviousness has not been established regarding claims 1-21 because the prior art cited does not teach or suggest all the claim limitations.

With respect to claim 1, Applicants respectfully submit that Vanghi does teach or suggest all the limitations of claim 1. In particular, Vanghi does not teach or suggest the following elements of claim 1: "transmitting a pause command to the first wireless network" and "transmitting a resume command to the first wireless network".

Vanghi discloses a method of connection management for dual mode access terminals in a radio network. (Title) A maximum suspension time defines the length of time that an access terminal may suspend communication with a supporting radio network before the radio network releases the communication resources assigned to the access terminal. (Abstract) In some environments it may be necessary for the access terminal to momentarily suspend communication with a first radio network, so that it can briefly communicate with a second radio network. (Abstract) The method controls how an access terminal reestablishes connection with a radio network after a brief suspension of communication with that network. The parameters associated with operating in the radio network include a time-out value that defines the maximum time the access terminal can suspend its communication with the radio network before the radio network releases and possibly reassigns the communication resources associated with the access

terminal's suspended connection. The access terminal thus knows whether it should resume communication using the suspended connection or whether it should request a new connection. (Col. 2, line 60 – Col. 3, line 5) When an access terminal 14 has an open connection with the radio network 22, it is expected to continuously transmit to the radio network 22 on its assigned reverse link traffic channel. (Col. 5, lines 22-25) An access terminal 14 engaged in an open packet data connection with the IS-856 radio network 22 appears to be in an idle state from the perspective of the IS-2000 radio network 28. (Col. 5, lines 31-34) When the access terminal 14 suspends communication with the IS-856 radio network 22, the IS-856 radio network 22 will detect a loss of the signal on the reverse link traffic channel and initiate a fade timer to time the duration of the inactivity. (Col. 5, lines 59-63) If the fade timer expires before the access terminal 14 resumes communication, the radio network 22 terminates the connection and releases the network resources supporting the dormant terminal's connection, including the forward and reverse link channels and the RPC channel. (Col. 5, line 66 – Col. 6, line 3)

Vanghi does not disclose all the elements of Applicants' invention. Specifically, Vanghi discloses only that the access terminal suspends communication with the IS-856 radio network and that the IS-856 network detects a loss of signal. No mechanism for suspending or resuming communication with the IS-856 network is given in Vanghi. Vanghi provides a suspension timer that measures the amount of time communication with the IS-856 network has been suspended. (Col. 8, lines 20-25, 40-55) The timer provides a method to determine if a new connection should be requested before resuming operation on the network. Therefore, Vanghi does not disclose "transmitting a pause command to the first wireless network" or "transmitting a resume command to the first wireless network".

Peshkin discloses spoofing to preserve a communication link. (Title) A local communication layer is in communication with a remote communication layer over a link established between a local modem and a remote modem. The layers may be PPP layers. The communication may be placed on hold and during the hold the local modem monitors PPP frames from the local PPP layer and spoofs the local PPP layer in the responses to make it appear that the remote PPP layer is responding. (Abstract)

Peshkin does not cure the deficiency of Vanghi. In Peshkin, no explicit pause command is given, rather, the spoofing or fake messaging is used to deceive the network on hold that activity is taking place. Because Peshkin teaches fake messaging, it actually teaches away from Applicant's invention as claimed.

In the "Response to Arguments" section of the Office Action the examiner states "However, examiner believes that Vanghi explicitly discloses transmitting a resume command to the first network. Refer to col. 8, lines 50-55." The specific citation reads: "The access terminal 14 may provide information to the radio network 22 indicating that it is returning from a period of suspension longer than that allowed by the radio network 22". Applicant respectfully submits that the above does not explicitly disclose transmitting a resume command. Vanghi discloses that a suspension timer is initiated and if the fade timer time limit is exceed when an access terminal returns to the first network it will request a new connection. Col. 7, lines 40-50 Applicant also respectfully disagrees with the examiner's assertion that the connection request shows that the access terminal is returning from a suspended connection. As noted above, the connection request is sent because the fade timer limit has been exceeded and the prior connection has been terminated. Col. 7, lines 46-50

In addition, combining Vanghi and Peshkin does not result in Applicant's invention. The combination produces a method that interrupts communication to one network to operate on another network. During the interruption a suspension timer is activated and spoofing messages are sent to deceive the first network. The suspension timer is rendered meaningless, since there is no apparent suspension to the first network. Furthermore, it appears that based on the above, the references teach away from each other. Therefore, Applicant respectfully submits that claim 1 is allowable and requests that the rejection be withdrawn.

Claims 10, 16, and 31 are each allowable for the same reasons given above for claim 1.

Claim 17 is allowable for the same reasons given above for claim 1.

Claim 19 is allowable as depending directly from an allowable base claim.

Claim 27 is allowable for the same reasons given above for claim 1.

Claims 2, 3, 22, and 23 are allowable as depending either directly or indirectly from an allowable base claim.

Claim 11 is allowable as depending directly from an allowable base claim.

Claims 6, 8, 9, 12, 13, 14, 15, 20, 21, 28, and 29 are allowable as depending either directly or indirectly from an allowable base claim.

Claim 5 was rejected as being unpatentable over Vanghi in view of Peshkin. The Examiner states

...Vanghi does not disclose the pause command includes a command to reduce a data rate. However, Vanghi discloses the access terminal 14 periodically switches to an idle mode for about 100ms to check for paging messages transmitted from radio network 28 (see col. 45-55). Therefore, an office notice is taken that spending this amount of time in the Idle mode of Vanghi would have been obvious to have the reduced data rate.

Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable determination as being well-known.

M.P.E.P. § 2143.03 "...the notice of facts beyond the record which may be taken by the examiner must be 'capable of such instant and unquestionable demonstration as to defy dispute'. *In re Ahlert*, 424 F.2d 1099, 1091, 165 USPQ 418, 420, *citing In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961) Applicant respectfully requests that the examiner produce authority for this assertion since there are multiple techniques for reducing power consumption and interference without reducing the data rate.

Claim 5 is allowable as depending directly from an allowable base claim.

Claim 24 is allowable as depending directly from an allowable base claim.

Claim 26 is allowable as depending indirectly from an allowable base claim.

Claims 18 and 30 were rejected as being unpatentable over Vanghi in view of Peshkin. The Examiner states

...Vanghi does not disclose the indication includes an interrupt request signal. The office notice is taken that sending an interrupt request signal representing a pause command at a time near a start of a paging slot is well-known in the art. Therefore, it would have been obvious to send an interrupt request command n Vanghi at a time near

a start of paging slot to suspend the connection with radio network 22.

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M.P.E.P. § 2143.03 “. . .the notice of facts beyond the record which may be taken by the examiner must be ‘capable of such instant and unquestionable demonstration as to defy dispute’. *In re Ahlert*, 424 F.2d 1099, 1091, 165 USPQ 418, 420, citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961) Applicant respectfully requests that the examiner produce authority for this assertion since there are multiple techniques for reducing power consumption and interference without reducing the data rate.

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Applicant respectfully submits that claims 18 and 30 are allowable as depending from an allowable base claim and are further allowable for the reasons given above for claim 1, namely, that the cited references do not teach the limitations of the claims.

Claims 4, 7, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vanghi in view of U.S. Patent 6, 487, 399 to Rajaniemi et al. (hereinafter “Rajaniemi”).

Vanghi and Peshkin have been discussed above and Applicant sustains the arguments made above. Rajaniemi discloses a method for use identifying the presence of a GSM1900 carrier that is channelized into first channels having a bandwidth of 200kHz, and for distinguishing the GSM1900 carrier from at least a TDMA1900 carrier that is channelized into second channels having a bandwidth of 30 kHz. The method includes

the steps of (a) tuning a receiver (16) to a frequency of a candidate GSM1900 channel; (b) determining a value of a received signal strength indicator (RSSI) using a 200 kHz receiver passband filter; (c) if the RSSI value is above a predetermined threshold, converting the frequency of the candidate GSM1900 channel into a frequency of a TDMA1900 channel using a predetermined relationship; (d) retuning the receiver to the frequency of the TDMA1900 channel; (e) determining a RSSI value using a 30 kHz receiver passband filter for the TDMA1900 channel, and also for at least two adjacent TDMA1900 channels, assuming that two adjacent TDMA1900 channels are not used together in a same cell; and, if the at least three RSSI values are all found to be approximately equal within some threshold value; (f) making at least an initial assumption of the presence of the GSM1900 carrier. (Abstract)

Applicant respectfully submit that a prima facie case of obviousness has not been established regarding claims 4, 7, and 25 because the prior art cited does not teach or suggest all the claim limitations. Applicant sustains the above arguments in regard to Vanghi and Peshkin as regards the limitation found in claim 1. Adding Rajaniemi does not cure the deficiencies, since Rajaniemi is also silent regarding the claimed limitation. Furthermore, Applicant submits that combining Vanghi, Peshkin, and Rajaniemi does not result in Applicant's invention. As noted above the combination of Vanghi and Peshkin produces a method that interrupts communication to one network to operate on another network. During the interruption a suspension timer is activated and spoofing messages are sent to deceive the first network. The suspension timer is rendered meaningless, since there is no apparent suspension to the first network. Adding Rajaniemi adds the functionality of identifying a GSM carrier. Thus, the system resulting interrupts communication and initiates a suspension timer while a GSM carrier frequency is being ascertained. Furthermore, it appears that based on the above, the references teach away from each other. Therefore, Applicant respectfully submits that claims 4, 7, and 25 are allowable and requests that the rejections be withdrawn.

In addition, Applicant respectfully submits that claims 4, 7, and 25 are each allowable as depending either directly or indirectly from an allowable base claim.

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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants respectfully submit that all pending claims in the present invention are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Date: October 2, 2006Signature: Roberta A. Young
Roberta A. Young, Reg. No. 53,818
(858) 658-5803

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502